IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2122 OF 2002
IN
INCOME TAX APPEAL NO. 686 OF 2002

The Commissioner of Income-tax. ... Appellant.
V/s.
M/s.Advani Oerlikon Ltd. ... Respondent.

A.S.Rao for the Applicant.

None for the respondents.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 25th April 2005.

P.C. :

. On the last date of hearing, by our order dated 11th April, 2005 notice was directed to be issued to the respondent, returnable after two weeks and the Income-tax Department was permitted to serve notice directly to the respondent by R.P.A.D.

. Today, when the matter was called out, it is brought to our notice that the appeal has already been dismissed for non-compliance of the order dated 6th August, 2002 passed by the Prothonotary and Senior Master. In this view of the matter. The appeal cannot be said to be alive. Consequently, order dated 11th April, 2005 could not have been passed. Therefore, order dated 11th April, 2005 is recalled. Since the appeal has already been dismissed this motion does not survive. Hence no orders in this motion. Office is directed to consign the appeal papers to the record.